

**AGENDA SUMMARY PAGE**  
**CITY COUNCIL MEETING OF: JANUARY 21, 2009**

**DEPARTMENT: NEIGHBORHOOD SERVICES**

**DIRECTOR: STEPHEN K. HARSIN**

☐ Consent ☒ Discussion

**SUBJECT:**

ABEYANCE ITEM - Hearing to consider the appeal regarding Nuisance Notice and Order to Comply located at 1006 East Oakey Blvd. PROPERTY OWNER: GREGORY J. LOGAN - Ward 3 (Reese)

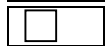
**Fiscal Impact**



No Impact



Augmentation Required



Budget Funds Available

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

The subject property was determined to be a public nuisance as defined in Las Vegas Municipal Title 9, dealing with nuisances. A Nuisance Notice and Order to Comply was mailed to the property owner to correct the public nuisance as defined in Las Vegas Municipal Code, Title 9.04 and 9.12, dealing with nuisances; Per 16.44.250 – Contractor site office – watchman's quarters; 19.04.020 – Accessory uses and structures; and 19.08.040 – Residential District Development Standards. A copy of the notice was also posted on the property. Today's hearing is to consider the Appeal to the Nuisance Notice and Order to Comply filed by Gregory Logan, owner and responsible party.

**RECOMMENDATION:**

That the City Council approve the Nuisance Notice and Order to Comply.

**BACKUP DOCUMENTATION:**

1. Agenda Memo
2. Location Maps
3. Nuisance Notice and Order to Comply
4. Appeal Letter from Appellant
5. Notice of Appeal
6. Request for Continuance Letter
7. Response to Request for Continuance Letter
8. Rescheduled Hearing Notification
9. Submitted at Meeting – Information Packet by Gregory Logan

Motion made by GARY REESE to Approve and adding the following conditions as read for the record:

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A. All fines and fees will be dismissed and waived upon the removal of the trailer and the trailer will not be placed on the property, unless proper permits are obtained as required by Code.

B. The applicant has 60 days to remove items from the storage shed and then remove the shed. Upon completion, all fines and fees will be waived.

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 2

STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS, DAVID W. STEINMAN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-RICKI Y. BARLOW, LOIS TARKANIAN)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

DEVIN SMITH, Manager of Neighborhood Response, read the Purpose/Background and recommended approval of the Nuisance Notice and Order to Comply. He displayed photos of the current condition of the property on the overhead.

GREGORY LOGAN was present and submitted several exhibits for the record. MR. LOGAN stated that he had made several motions to dismiss on the grounds that the City had not acted in a timely manner to provide the information that he had requested.

DEPUTY CITY ATTORNEY HEIDI ALMASE, Civil Division, stated that MR. LOGAN had received the Notice and Order on 11/25/2008 and had submitted his appeal on 12/2/2008. The City Clerk had sent MR. LOGAN a response on 12/22/2008, when according to the Code, the last day would have been 12/18/2008. However, the remedy for failure to respond in a timely manner to an appellant is to grant the appellant his right to an appeal. She also noted that when an appellant requests a continuance, as the appellant did when he requested the matter be abeyed for two weeks, the request for dismissal for lack of timeliness is placed in a different light.

MAYOR GOODMAN asked MR. LOGAN if he would like to hold this item in abeyance in order to obtain all the information he had requested and MR. LOGAN stated he was ready to move forward today.

COUNCILMAN WOLFSON noted that the applicant had just submitted several exhibits which he had not had an opportunity to review and suggested that the item be held in abeyance in order to give both sides an opportunity for a fair hearing. COUNCILMAN REESE expressed his preference for hearing the item today.

MR. SMITH informed COUNCILMAN STEINMAN that the information on the other cases requested by MR. LOGAN had related to other properties owned by MR. LOGAN with similar circumstances. He explained that this item addressed an unpermitted structure and an unpermitted trailer on MR. LOGAN'S property at 1006 East Oakey Boulevard.

MR. LOGAN stated that he had a permit for the shed and argued that the ordinance that had been used in the Notice and Order was not applicable to his property. MR. SMITH explained that the

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shed is only permitted as an accessory structure and, as there was no main dwelling unit, the shed was no longer allowed.

MR. LOGAN pointed out the property has an active demolition permit and MR. SMITH explained that the City Attorney's Office and the Department of Building and Safety had determined that the City was not required to give the applicant the full 180 days to remove an illegal structure.

CITY ATTORNEY BRAD JERBIC disagreed with MR. LOGAN'S understanding of the Code, but suggested the item be trailed to allow his office some time to conduct additional research.

When the item was recalled, CITY ATTORNEY JERBIC summarized his discussions with MR. LOGAN and stated that MR. LOGAN and the City had agreed that they have a mutual interest in resolving this issue. MR. LOGAN informed CITY ATTORNEY JERBIC that the trailer had been removed and he had no intention of replacing it. CITY ATTORNEY JERBIC supported waiving all fees connected with the trailer with the condition that the trailer never be returned to the property.

Regarding the existing storage shed, CITY ATTORNEY JERBIC recommended allowing MR. LOGAN 60 days to transfer the items currently being stored on the site to another location where they can be legally stored. After MR. LOGAN has removed the shed from the property, all fines and fees connected to the storage shed would be waived.

MR. LOGAN agreed to all conditions, but disclosed that he intended to use the trailer as a construction trailer when he commenced construction on a house on the property. He also confirmed that there would be no right to appeal this matter in the future. CITY ATTORNEY JERBIC noted that MR. LOGAN would be required to follow all City regulations regarding permits whenever construction takes place on the site.

COUNCILMAN REESE stated this property has been problematic for many months and expressed his respect to MR. LOGAN for agreeing to the conditions presented by CITY ATTORNEY JERBIC. He also expressed his support of staff for working to improve the City's neighborhoods.

MAYOR GOODMAN declared the Public Hearing closed..